THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17490 of 2006

Dated:17.01.2007

Between:

Aareti Venkateswara Rao.

…Petitioner

and

The Govt. of A.P., and others.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17490 of 2006

ORDER:

The petitioner is allegedly a tenant of land admeasuring Acs.2.00 in R.S.Nos.213 and 213/3 situated at Tunduru Village of Mogalturu Mandal in West Godavari District. The land admittedly belongs to the third respondent-Temple. When the Temple issued an auction notice to lease out the land for the year 2006-2007 to 2008-2009, the petitioner filed instant Writ Petition invoking Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

In support of the allegation that he is a tenant, the petitioner has placed before this Court a Xerox copy of the receipt allegedly issued by the Manager of the third respondent evidencing the payment of rent. However, after obtaining instructions, the learned Assistant Government Pleader for Endowments submits that the petitioner has not approached the Assistant Commissioner seeking declaration that he is landless poor person entitled to the benefit under Section 82(2) of the Act. There cannot be any denial that under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (for short 'the Rules'), a person seeking the benefit under Section 82(2) of the Act shall have to make an application before the Assistant Commissioner under Rule 3 thereof, and if any adverse order is passed by the original authority,

under Rule 4 of the Rules an appeal is provided to the Regional Joint Commissioner. When the petitioner has not made any such application, he cannot seek a relief as prayed for. The petitioner may approach the second respondent and obtain necessary declaration by placing all the material before him.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

17.01.2007
vs